

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO. 5:08-CV-00464-H**

NATIONAL GENETICS INSTITUTE and)
BAXTER INTERNATIONAL, INC.)
)
Plaintiffs,)
)
v.)
)
TALECRIS BIOTHERAPEUTICS, INC.)
)
Defendant.)

**DEFENDANT TALECRIS BIOTHERAPEUTICS, INC.'S
JULY 1, 2009 STATUS REPORT**

Pursuant to the Court's January 30, 2009 Order, Defendant Talecris Biotherapeutics, Inc. ("Talecris") hereby provides the Court with this Status Report concerning the pending reexamination of U.S. Patent Nos. 6,566,052 (the '052 patent), 6,063,563 (the '563 patent), and 5,780,222 (the '222 patent), the patents-in-suit in the above-captioned litigation. In connection with this Status Report, Talecris states as follows:

Talecris filed a request for *ex parte* reexamination of the '052, the '563, and the '222 patents on November 7, 2008. The Patent Office issued an Order Granting Request for *Ex Parte* Reexamination on December 17, 2008 in each of the three patents-in-suit.

On February 19, 2009, the Patent Office issued non-final office actions in each of the three pending reexamination cases rejecting all of the claims in the patents-in-suit. The Patent Owner filed a response and supplemental response to these office actions on April 20, 2009 and May 14, 2009, respectively. The Patent Office has not yet issued its next office actions in the three pending reexamination cases.

Respectfully submitted this 1st day of July, 2009.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an attorney at law licensed to practice in the State of North Carolina, is an attorney for Defendant Talecris Biotherapeutics, Inc., and is a person of such age and discretion as to be competent to serve process.

That on July 1, 2009 he served copies of the attached **DEFENDANT TALECRIS BIOTHERAPEUTICS, INC.'S JULY 1, 2009 STATUS REPORT** in the manner stated below.

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